

# SOUTH CAROLINA DISPENSARY LAW

## DISPENSARY LAW.

An Act to Provide for the Election of a State Board of Control, and to Further Regulate the Sale, Use, Consumption, Transportation, and Disposition of Intoxicating and Alcoholic Liquors or Liquids, in the State, and to Prescribe Further Penalties for Violation of the Dispensary Laws, and to Police the Same.

Section 1. Be it enacted by the General Assembly of the State of South Carolina:

The Keeping, Use or Sale of Alcoholic or Brewed Liquors or Compounds Prohibited. Penalty.

That the manufacture, sale, barter or exchange, receipt or acceptance for unlawful use, delivery, storing and keeping in possession within this State of any spirituous, malt, vinous, fermented, brewed (whether lager or rice beer), or other liquors, any compound or mixture thereof by whatever name called or known, which contains alcohol and is used as a beverage, except as is hereafter provided, is hereby prohibited, under a penalty of not less than three nor more than twelve months at hard labor in the State Penitentiary, or pay a fine of not less than \$100 nor more than \$500, or both and imprisonment, in the discretion of the Court, for each offense.

All Liquors Not Analyzed and Pure Declared Against Good Health and Morals.

All alcoholic liquors in this State, whether manufactured within this State or elsewhere, not having been tested by the chemist of the South Carolina College and found to be pure and free from poisonous, hurtful and deleterious matters, are hereby declared to be of a detrimental character, and their use and consumption are against the morals, good health and safety of the State, and all such liquors may be seized whenever found, without a warrant, and disposed of as hereafter provided. Any person resident in this State intending to import for personal use and consumption any spirituous, malt, vinous, fermented, brewed or other liquor containing alcohol from any other State or foreign country, shall first certify to the chemist of the South Carolina College the quantity and kind of liquor proposed to be imported, together with the name and place of business of the person, firm or corporation from whom it is desired to purchase, accompanying such certificate with a statement that the proposed consignor has been requested to forward a sample of such liquor to the said chemist at Columbia, South Carolina.

Analysis of Liquors. Upon receipt of said sample the said chemist shall immediately proceed to test the same, and if found to be pure and free from any poisonous, hurtful or deleterious matters, he shall issue a certificate to that effect, stating therein the names of the proposed consignor and consignee, and the quantity and kind of liquor proposed to be imported thereunder, which certificate shall be dated and forwarded by said chemist, post paid, to the proposed consignor at his place of business.

Certificates of Analysis to Be Attached. The said consignor shall cause such certificate to be attached to the package containing the liquor when it is shipped in this State, and no package bearing such certificate shall be liable to seizure and confiscation, but any package of spirituous, malt, vinous, fermented, brewed or other liquor or liquid containing alcohol imported into this State without such certificate, or any package containing liquor other than described in the certificate thereto attached, or any package shipped by or to any person or persons not named in such certificate, shall be seized and confiscated as provided in this Act.

Certificate to Be Used in Sixty Days. Any certificate obtained from the chemist as herein provided, shall be used within sixty days after the date of its issue, and shall be invalid thereafter. It shall be unlawful to use said certificate for more than one importation, and any person attempting to counterfeit said certificate, or to make any improper use thereof, or to make any false statement in obtaining or attempting to obtain the same, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment for not less than thirty days nor more than twelve months, or to pay a fine of not less than \$100 nor more than \$1,000. Any person or persons convicted of selling or otherwise unlawfully disposing of any liquor imported under the provision of this section shall suffer double the punishment provided for a sale in violation of other provisions of this Act.

Expense of Analysis to Be Paid by State. All expenses incurred in enforcing the provisions of this section, including compensation for such assistant chemists as may be necessary to make prompt analysis and the express charges on samples shall be paid by the State Board of Control hereinafter provided for as an expense of the State Dispensary established by this Act.

Penalty for Chemist Failing to Make Analysis. If the chemist of the South Carolina College shall willfully fail or refuse to make or have made an analysis of any sample sent to him in accordance with this section, he shall, upon conviction thereof before a court of competent jurisdiction, be fined \$100 for each offense.

Section 2. State Board of Control—A board consisting of five members, to be known as the State Board of Control, shall be elected by the General Assembly at this session to carry out the provisions of this Act.

How Elected. The terms of office of the board so elected shall be for one, two, three, four and five years, respectively, and those elected shall determine by lot which shall take the respective terms.

At the expiration of the term of office of each member his successor shall be elected for a term of five years. Salary. Bookkeeper. They shall receive for their services the same per diem and mileage as members of the General Assembly. The State Board of Control shall devise and inaugurate such a system of bookkeeping and accounting as they may deem advisable, and shall elect a clerk or bookkeeper, who shall hold his office during the pleasure of the board, and shall receive as compensation for his services a salary of \$1,500 per annum.

Make Rules and Regulations. The State Board of Control, under such rules and regulations as may be adopted by said board, shall purchase all liquors for lawful sale in this State, and shall have the same tested and declared to be pure, as hereinafter and hereinafter provided.

Appointment of Commissioner. Sec. 3. That the State Board of Control shall, at the expiration of the term of the present Commissioner, and at the expiration of every two years thereafter, appoint a Commissioner, which appointment shall be submitted to the Senate at its next session for its approval; said Commissioner shall be believed by the State Board of Control to be an abstainer from intoxicants, and shall under such rules and regulations as may be made by the State Board of Control, furnish all intoxicating liquors for lawful sale in this State to such persons as may be designated as dispensers

thereof, to be sold as hereafter prescribed in this Act.

Term of Office. Removal. Said Commissioner shall reside and have his place of business in the city of Columbia, in this State, and hold his office two years from his appointment, and until another be appointed in his stead. He shall be subject to removal for cause by the State Board of Control. He shall qualify and be commissioned as such State officer, and shall receive an annual salary of \$1,500 payable from the Dispensary fund upon the warrant of the State Board of Control.

Bookkeeper's salary. He shall be allowed a bookkeeper, who shall be paid in the same manner a salary of \$1,200, and such other assistants as in the opinion of the Board of Control may be deemed necessary. He shall not furnish to the county dispensers any intoxicating or fermented liquors, except such as have been tested by the chemist of the South Carolina College, and declared to be pure and free from poisonous, hurtful and deleterious matter.

Furnish Pure Liquor. Provided, That said Board of Control shall have authority to appoint such assistants as they may find necessary to assist the chemist of the South Carolina College in making the analyses required by this Act; and said Board of Control may fix such reasonable compensation, if any, as they may deem proper for the services rendered by such chemist or such assistants.

Assistant Chemist. Each county dispenser shall remit to the State Treasurer all moneys accruing to the State from the sale of liquors under such rules as may be prescribed by the State Board of Control, and the State Treasurer shall keep a separate account with said fund, from which the State Board of Control shall draw from time to time upon warrants, and in such manner as they may provide, the amount necessary to pay the expenses incurred in conducting the business. All rules and regulations governing the said Commissioner or county dispensers in the performance of any of the duties of his office, where the same are not provided for by law, shall be prescribed by the State Board of Control.

County Dispensers to Remit to State Treasurer.

The State Commissioner shall, before entering upon the duties of his office, execute a bond to the State Treasurer, with sufficient sureties, to be approved in the same manner as the bonds of other State officers, in the penal sum of \$10,000, for the faithful performance of the duties of his office.

Bond of Commissioner. In all purchases or sales of intoxicating liquors made as contemplated in this Act, the State Board of Control shall cause a certificate to be attached to each and every package containing said liquors when the same is shipped to the State Commissioner from the place of purchase, or by State Commissioner to the county dispensers, certified by their official signatures and seal, which certificate shall state that liquors contained in said packages have been purchased by the State Board of Control for sale and use within the State of South Carolina, under the laws of said State, and shall also cause to be attached to all such liquors the certificate of the chemist of the South Carolina College that samples of the same have been tested as required by this Act.

Packages Shipped to have on Them Certificates. And without such certificates any package containing liquors which shall be shipped from place to place within the State, or delivered to the consignee by any railroad, express company, or other common carriers, or be found in the possession of any common carrier, shall be regarded as contraband, and may be seized without warrant for confiscation, and such common carrier shall be liable to a penalty of \$200 for each offense, to be recovered against said common carrier in any court of competent jurisdiction by summons and complaint, proceedings to be instituted by the solicitor of any circuit with whom evidence may be lodged by any officer or citizen having knowledge or information of the violation, and any person attempting to use such certificate without the authority of the State Board of Control, or any counterfeit certificate for the purpose of securing the transportation of any intoxicating liquors within this State in violation of law, shall, upon conviction thereof, be punished by a fine of not less than \$500, and imprisonment in the penitentiary for not less than one year for each offense.

How Liquors Must Be Shipped and Sold. Sec. 4. The State Commissioner shall, before shipping any liquors to dispensers, except lager beer, cause the same to be put into packages of not less than one-half pint nor more than five gallons, and securely seal the same; and it shall be unlawful for the dispenser to break any of such packages or packages, or use any reason whatsoever. He shall sell the packages only, and no person shall open the same on the premises: Provided, This section shall not apply to malt liquors shipped in cases or kegs, or bottles thereof shipped in barrels; and such malt liquors may be sold by the county dispenser in such quantities, of not less than one gallon, as may be proper: Provided, The same shall not be drunk on the premises. Dispensers shall open their places of business and sell only in the daytime, under such rules as may be made by the State Board of Control, or by the County Board of Control, with approval of the State Board of Control.

County Board of Control. Sec. 5. It shall be the duty of the State Board of Control to appoint a County Board of Control, composed of three persons, believed by the said board not to be addicted to the use of intoxicating liquors. The persons so appointed shall hold their office for the term of two years, and until their successors are appointed, and shall be subject to removal for cause by the State Board of Control.

Said County Board of Control shall make such rules as will be conducive to the best management of the sale of intoxicating liquors in their respective counties: Provided, All such rules shall be submitted to the State Board and approved by them before adoption. The members of the County Board of Control shall qualify and be commissioned as are other county officers without fees therefor.

County Dispensers; How Appointed. Sec. 6. Applications for positions of county dispenser shall be by petition, signed and sworn to by the applicant, and filed with the County Board of Control at least twenty days before the meeting at which the application is to be considered, which petition shall state the applicant's name, place of residence, in what business engaged two years previous to filing petition; that he is a qualified elector of this State and a resident of the county; that he has never been adjudged guilty of violating the law in relation to intoxicating liquors, and is not a keeper of a restaurant or place of public amusement, and that he is not addicted to the use of intoxicating liquors as a beverage.

Bond. The appointment shall be made only on condition that the applicant shall execute to the County Treasurer a bond in the penal sum of \$3,000, with good and sufficient sureties conditioned that he will well and truly obey the laws of the State of South Carolina, now or hereafter in force, in relation to the sale of intoxicating liquors; that he will pay all fines, penalties, damages and costs that may be assessed or recorded against him for violations of such laws during the term for which said appointment is made, and will not sell intoxicating liquors at a price other than that fixed by the State Board of Control. Said bond shall be for the use of the State and county or any person or persons who may be damaged or injured by reason of any violation on the part of the obligor of the law relating to intoxicating liquors purchased or sold during the term for which said appointment is made.

Suit May Be Brought on Bond by Whom. The said bond shall be deposited with the County Treasurer, and suit thereon shall be brought at any time by the solicitor for any person for whose benefit the same is given; and in case the conditions thereof, or of any of them, shall be violated, the principal and sureties thereon shall also be jointly and severally liable for all civil damages, costs and judgments that may be obtained against the principal in any civil action brought by wife, child, parent, guardian, employer or other person under the provision of the law. All other moneys collected for breaches of such bonds shall be distributed as other funds arising from the dispensary. Said bond shall be approved as other official bonds for the county.

County Dispensaries How Located. Sec. 7. There may be one or more county dispensers appointed for each county, the place of business of each of whom shall be designated by the county board, the State Board of Control, or the State Board of Control may give consent before more than one dispenser can be appointed in any county; and when the county board designates a locality for a dispensary, twenty days' public notice of which shall be given, it shall be competent for a majority of the voters of the township in which such dispensary is to be located, to prevent its location in such township by signing a petition or petitions, addressed to the county board, requesting that no dispensary be established in that township. The county board may in its discretion locate a dispensary elsewhere than in an incorporated town in the counties of Beaufort and Horry, and no others, except such as are authorized by special Act of the General Assembly.

How Cities and Towns May Secure Dispensaries. Provided, however, That any county, township or city wherein the sale of alcohol by liquors was prohibited by law prior to July 1, 1893, may secure the establishment of a dispensary within its borders in the following manner. Upon petition signed by one-fourth of the qualified voters of such county, town or city, wishing a dispensary therein, being filed with the County Supervisor or town or city clerk, respectively, they shall order an election, submitting the question of dispensary or no dispensary to the qualified voters of such county, town or city, which election shall be conducted as other special elections; and if a majority of the ballots cast be found and declared to be for a dispensary, then a dispensary may be established in said county, town or city: Provided, That dispensaries shall not be located in the counties of Williamsburg, Pickens and Marion, and at Seneca and other towns now incorporated in Oconee County, without such election or compliance with the other requirements of this Act: Provided, That nothing in this Act contained shall be so construed as to prohibit persons resident in counties which shall elect to have no dispensary from procuring liquors from dispensaries in other counties, or county dispensers from shipping same to their place of residence under proper labels or certificates: Provided, further, That nothing in this Act shall be construed to repeal an Act entitled "An Act to allow the opening of dispensaries in Pickens and Oconee Counties," approved December 18, 1894.

Oath of Dispensers. Sec. 8. If the application for the position of dispenser be granted, the applicant shall make and subscribe an oath, before some officer authorized by law to administer oaths, which shall be endorsed upon the bond, to the effect and tenor following: "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will well and truly perform all and singular the conditions of the within bond, and keep and deliver the same to the County Board of Control, and I will not sell, give, or furnish to any person any intoxicating liquors otherwise than is provided by law, and especially I will not sell or furnish intoxicating liquors to any minor, intoxicated person, or persons, who are in the habit of becoming intoxicated; and I will make true and accurate returns to the County Board of Control, on the first Monday of each month, of all certificates and requests made to or received by me, as required by the law, during the preceding month; and such returns show every sale and delivery of such liquors made by me, or for me, during the month embraced therein, and the true signature to every request received and granted, and such returns shall show all the liquors sold or delivered to any and every person as returned."

Bond of Dispensers. Upon taking said oath and the oath required by the Constitution, and filing bond as hereinbefore provided, the County Board of Control shall authorize him to keep and sell intoxicating liquors in this Act provided; and every appointment so made shall specify the building, giving the street and number or location, in which intoxicating liquors may be sold by virtue of the same, and the length of time in which the same shall be in force, which in no case shall exceed twelve months. Appointments made under this Act shall be deemed trusts reposed in the recipients thereof, not as a matter of right, but of confidence, and may be revoked upon sufficient showing, by order of the County Board of Control, or by the State Board of Control, or by the removal of any county dispenser, or upon the demand of the County Board of Control, he shall immediately turn over to the County Board of Control all liquors and other property in his possession belonging to the State or county.

County Board to Prosecute Dispensers. Said County Board of Control shall be charged with the duty of prosecuting all persons who violate any of the provisions of this Act. On the death, resignation, or removal of a county dispenser, or expiration of his term of office, the county board shall appoint his successor.

Office of County Board and Clerk. Sec. 9. The County Board of Control shall hold its office in the building designated by the County Board of Control, and shall keep a true and accurate record of all proceedings pertaining to the appointment of dispensers, and keep suitable books in which bonds shall be recorded. The books shall be furnished by the county like other public records. The County Board of Control shall designate or provide a suitable place in which to sell the liquors.

Meeting of County Boards. The members of the County Board of Control shall meet once a month, or oftener, on the call of the chairman, and each member of the board shall receive

a per diem of \$2 and five cents mileage each day; but they shall not receive compensation for more than thirty days in any one year, except in the county of Charleston, where they shall not receive compensation for more than sixty days in any one year, and in Barnwell County not more than thirty days in any one year. They shall, upon the approval of the State Board of Control, employ such assistants for the county dispenser as may be necessary.

Compensation of Dispensers. The dispenser and his assistants shall receive such compensation as the State Board of Control may determine. All profits, after paying all expenses of the county dispenser, shall be paid, one-half to the County Treasurer and one-half to municipal corporation in which it may be located, such settlements to be made quarterly.

Location of Dispensaries in Towns and Cities.

Provided, That if the authorities of any town or city in the judgment of the State Board of Control, do not enforce this law, the State Board may withhold the part going to said town or city, and use it to pay State constables or else turn it into the county treasury. All moneys received by the county dispenser belonging to the State shall be forwarded on Monday of each week to the State Treasurer, and at the same time the county dispenser shall forward to the State Board of Control a duplicate statement of the remittance so made to the State Treasurer. On the same day of each week the county dispenser shall deposit with the County Treasurer a statement of all the moneys received by him belonging to the county and to the municipal authorities in which the dispenser is located. The County Treasurer shall give his receipt therefor, and hold the same until the quarterly settlements heretofore provided for is had. The quarterly settlements herein provided for shall be made on the fourth Monday in the month of March, June, September and December in each year.

Quarterly Settlements. Such settlements shall be made in the presence of the County Auditor, who shall make a memorandum of the items thereof and forward the same to the State Board of Control. The mayor or intend of the city or town in which the dispensary is located may also extend such settlement: Provided, That in counties where dispensaries are established in unincorporated cities or towns, the county shall get all profits that would otherwise go to such cities and towns: Provided, That in the county of Barnwell the clerk of the Board of County Commissioners shall be the clerk of the Board of Control.

Requests for Liquor: How Made and to Whom Refused. Sec. 10. Before selling or delivering intoxicating liquors to any person, a request must be presented to the county dispenser, printed or written in ink, dated of the true date, stating that he or she is of legal age, and the residence of the signer, for whom or whose use it is required, the quantity and kind required, and his or her true name; and the request shall be signed by the applicant in his own true name and signature, attested by the county dispenser, or his statement of a reliable and trustworthy person of good character and habits, known personally to him, that the applicant is not a minor, and is not in the habit of using intoxicating liquors to an excess; or if the applicant is not so personally known to said county dispenser, before filling said order or delivering said liquor, he shall require a statement of a reliable and trustworthy person of good character and habits, known personally to him, that the applicant is not a minor, and is not in the habit of using intoxicating liquors to an excess.

Form of Requests. Sec. 11. Request for purchase of liquor shall be made upon blanks furnished by the County Auditor in packages of 100 each, to the county dispensers from time to time as the same shall be needed, and shall be numbered consecutively by the Auditor. The blanks aforesaid shall be furnished to the County Auditor by the State Board of Control, in uniform books like bank checks, and the date of delivery shall be endorsed by the County Auditor on each book, and receipt taken therefor and preserved in his office. The dispenser shall preserve the application in the original form consecutively by the Auditor. When return thereof is made, the County Auditor shall endorse thereon the date of return, and file and preserve the same, to be used in the quarterly settlements between such dispenser and the County Treasurer. All unused or mutilated blanks shall be returned or accounted for, before other blanks are issued to such county dispenser.

Returns by Dispensers. Sec. 12. On or before the tenth day of each month, each dispenser shall make full returns to the County Auditors of all requests filled by him and his clerks during preceding month, upon blanks to be furnished by the State Board of Control for that purpose, and accompany the same with an oath, duly taken and subscribed before the County Auditor or a notary public, which shall be in the following form, to wit: "I, \_\_\_\_\_, being duly sworn, state on oath that the requests for liquors herewith returned are all that were received and filled at my place of business under my personal supervision, and that I have carefully preserved the same, and that they were filled up, signed, and attested at the date shown thereon, as provided by law; that said request was filled by delivering the quantity and kind of liquors required, and that no liquors have been sold or dispensed under my permit during said month, except as shown by the request herewith returned; that I have faithfully observed and complied with the provisions of my bond and oath taken by me, thereon endorsed, and with all the laws relating to my duties in the premises. Enforcement of Returns in Case of Failure. Sec. 13. Upon failure of any dispenser to make returns to the Auditor as herein required, it shall be the duty of said Auditor to report such failure to the State Board of Control, and the said State Board of Control shall immediately order the County Board to summon said delinquent dispenser to appear before them and show cause why his appointment should not be revoked; and if cause shall not be shown to the satisfaction of the County Board of Control, they shall immediately annul said appointment and give public notice thereof, and the Circuit Solicitor shall proceed to enforce the penalties prescribed in this Act for such violation against said county dispensers at the next succeeding term of court in the county in which such appointment is held; and any dispenser who shall sell or dispose of any intoxicating liquors after his appointment shall have been revoked shall, upon conviction thereof, be fined not less than \$500, and be imprisoned for six months. Dispensers to Sell no Liquors Except That Furnished by State Commissioner. Penalty. If any dispenser or his clerk shall procure any intoxicating liquors from any other person except the State Commissioner, or if he or they, or any persons in his or their employ, or by his or their direction, shall sell or offer for sale any liquors other than such as have been furnished the State Commissioner, or shall adulterate, or cause to be adulterated, any intoxicating spirituous or malt liquors which he or they may keep for sale under this Act, by mixing with some coloring matter or any drug or ingredient whatever, or shall mix the same quality, or with any other substance, or expose for sale such liquors adulterated, knowing it to be such, or shall

change the label upon any box, bottle, or package, he or they shall be guilty of a misdemeanor, and be fined in a sum of not less than \$200 or imprisonment for not less than six months.

Breach of Trust to Misappropriate Money.

If any county dispenser shall misappropriate, misuse or otherwise wrongfully dispose of any moneys or other property belonging to the State, county or municipality, he shall, upon conviction, be punished as in case of breach of trust with fraudulent intent.

Dispensers Violating the Law Liable to Damages. Duty of Solicitor to Bring Action.

Section 14. That any county dispenser who, in violation of his oath of office, sells or furnishes intoxicating liquors to any minor, intoxicated person, or person who is in the habit of becoming intoxicated, or fails to make full and accurate returns as required by law, showing the true signature to every request for liquor by him received and granted, or sells liquor to any person without first requiring the written requests therefor to be filled out and signed, as provided by law or the regulations of the State Board of Control, that on such information given by any person with sufficient evidence, it shall be the duty of the solicitor to bring suit in the name of the county for \$500 damages on the bond of the said county dispenser against the principal and sureties of said bond for each of such violations, for which said principal and sureties shall be liable jointly and severally, together with all costs and judgments pertaining to the suit. And on the judgment given against him, the said county dispenser shall be immediately deprived of his office as dispenser, and his principal and sureties aforesaid shall remain further liable, jointly and severally, to the extent of their bond, to pay all damages, costs and judgments which may be obtained against the principal in any civil action brought by wife, child, parent, guardian, employee or other person, under the provisions of the law.

Penalty for Making Fraudulent Representations to Obtain Liquor.

Provided, That if the said county dispenser can show to the satisfaction of a jury by way of defense that the said intoxicating liquor was obtained from him by the infant, intoxicated person or persons in the habit of becoming intoxicated, by fraudulent and deceitful representations, the person making such fraudulent and deceitful representation shall be guilty of a misdemeanor, and be fined in a sum of not less than \$200, or imprisonment for not less than six months. Dispensers Alone to Manufacture for Sale. Sec. 15. No person, firm, association or corporation shall manufacture for sale, or keep for sale, exchange, barter, or dispense any liquors containing alcohol for any purpose whatsoever, otherwise than is provided in this Act. Any person, firm, association or corporation desiring or intending to manufacture or distill any liquors containing alcohol within this State, shall first obtain from the State Board of Control a permit or license so to do.

Permit to Distillers. In the case of distillers such permit or license shall not be granted or renewed except upon petition signed in person by a majority of the resident freeholders in the city, town or township in which it is proposed to locate distillery. And it shall be unlawful for any such person, firm, association or corporation to manufacture or distill any liquor containing alcohol within this State without having such permit or license. Any violations of the terms of the permit or license shall authorize and warrant the seizure of the product on hand at any distillery or place where liquors containing alcohol are manufactured: Provided, The United States has no lien or claim upon the same. And in the application for a permit or license to manufacture liquors containing alcohol, the applicant shall give the State full power, upon any violation of this Act, to seize and take possession of any product on hand at the distillery or place where such applicant shall manufacture such liquors, and shall authorize the State to pay the United States Government the tax upon the same if unpaid, and to dispose thereof, as provided herein for contraband goods.

Liquor Shipped out of State to Have Certificate Attached. Every package, barrel or bottle of such liquor shipped beyond the limits of this State shall have thereon the certificate of the State Board of Control allowing same, otherwise it shall be liable to confiscation, and the railroad carrying it shall be punished as in Section 8.

Right to Make Wine for Use. And provided, That any person shall have the right to make wine for his or her own use from grapes or other fruits. The Inspector appointed by the State Board of Control, as herein provided, shall have the right to enter and examine, at any and all times not forbidden by the United States laws, any distillery, brewery, or place where liquors containing alcohol is manufactured within this State. Any manufacturer, distiller or brewer, who may refuse to allow the inspector or constable to enter and examine his place of business and its appurtenances at such times as the inspector or constable may deem proper, shall forfeit his permit or license.

Account Book of Dispenser. Sec. 16. Every dispenser shall keep a strict account of all liquors received by him from the State Commissioner, in a book kept for that purpose, which shall be subject at all times to the inspection of the Circuit Solicitor, any peace officer or grand juror of the county, or of any other citizen, and such book shall show the amount and kind of liquors procured, the date of receipt and amount sold, and the amount on hand, of each kind, at each month. Such book shall be produced by the party keeping the same, to be used as evidence on trial of any prosecution against him, on notice duly served that one same will be required as evidence.

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Section 14. That any county dispenser who, in violation of his oath of office, sells or furnishes intoxicating liquors to any minor, intoxicated person, or person who is in the habit of becoming intoxicated, or fails to make full and accurate returns as required by law, showing the true signature to every request for liquor by him received and granted, or sells liquor to any person without first requiring the written requests therefor to be filled out and signed, as provided by law or the regulations of the State Board of Control, that on such information given by any person with sufficient evidence, it shall be the duty of the solicitor to bring suit in the name of the county for \$500 damages on the bond of the said county dispenser against the principal and sureties of said bond for each of such violations, for which said principal and sureties shall be liable jointly and severally, together with all costs and judgments pertaining to the suit. And on the judgment given against him, the said county dispenser shall be immediately deprived of his office as dispenser, and his principal and sureties aforesaid shall remain further liable, jointly and severally, to the extent of their bond, to pay all damages, costs and judgments which may be obtained against the principal in any civil action brought by wife, child, parent, guardian, employee or other person, under the provisions of the law.

Penalty for Making Fraudulent Representations to Obtain Liquor.

Provided, That if the said county dispenser can show to the satisfaction of a jury by way of defense that the said intoxicating liquor was obtained from him by the infant, intoxicated person or persons in the habit of becoming intoxicated, by fraudulent and deceitful representations, the person making such fraudulent and deceitful representation shall be guilty of a misdemeanor, and be fined in a sum of not less than \$200, or imprisonment for not less than six months. Dispensers Alone to Manufacture for Sale. Sec. 15. No person, firm, association or corporation shall manufacture for sale, or keep for sale, exchange, barter, or dispense any liquors containing alcohol for any purpose whatsoever, otherwise than is provided in this Act. Any person, firm, association or corporation desiring or intending to manufacture or distill any liquors containing alcohol within this State, shall first obtain from the State Board of Control a permit or license so to do.

Permit to Distillers. In the case of distillers such permit or license shall not be granted or renewed except upon petition signed in person by a majority of the resident freeholders in the city, town or township in which it is proposed to locate distillery. And it shall be unlawful for any such person, firm, association or corporation to manufacture or distill any liquor containing alcohol within this State without having such permit or license. Any violations of the terms of the permit or license shall authorize and warrant the seizure of the product on hand at any distillery or place where liquors containing alcohol are manufactured: Provided, The United States has no lien or claim upon the same. And in the application for a permit or license to manufacture liquors containing alcohol, the applicant shall give the State full power, upon any violation of this Act, to seize and take possession of any product on hand at the distillery or place where such applicant shall manufacture such liquors, and shall authorize the State to pay the United States Government the tax upon the same if unpaid, and to dispose thereof, as provided herein for contraband goods.

Liquor Shipped out of State to Have Certificate Attached. Every package, barrel or bottle of such liquor shipped beyond the limits of this State shall have thereon the certificate of the State Board of Control allowing same, otherwise it shall be liable to confiscation, and the railroad carrying it shall be punished as in Section 8.

Right to Make Wine for Use. And provided, That any person shall have the right to make wine for his or her own use from grapes or other fruits. The Inspector appointed by the State Board of Control, as herein provided, shall have the right to enter and examine, at any and all times not forbidden by the United States laws, any distillery, brewery, or place where liquors containing alcohol is manufactured within this State. Any manufacturer, distiller or brewer, who may refuse to allow the inspector or constable to enter and examine his place of business and its appurtenances at such times as the inspector or constable may deem proper, shall forfeit his permit or license.

Account Book of Dispenser. Sec. 16. Every dispenser shall keep a strict account of all liquors received by him from the State Commissioner, in a book kept for that purpose, which shall be subject at all times to the inspection of the Circuit Solicitor, any peace officer or grand juror of the county, or of any other citizen, and such book shall show the amount and kind of liquors procured, the date of receipt and amount sold, and the amount on hand, of each kind, at each month. Such book shall be produced by the party keeping the same, to be used as evidence on trial of any prosecution against him, on notice duly served that one same will be required as evidence.

(To Be Continued.)

## BY AUTHORITY

GENERAL ORDERS NO. 14

The election heretofore ordered to be held on Saturday, March 30, by the Board of Supervisors of the Territory of Hawaii, No. 14, from these headquarters, postponed by reason of the non-attendance of said order, will be held at the Regular Headquarters on Saturday, April 20, 1901, at 7:30 p. m.

Major J. W. Pratt of the general will preside at said election.

By order of the Commander-in-Chief (Signed) JNO. H. SOPER, Adjutant General.

General Headquarters N. G. H., Honolulu, T. H., April 1, 1901.

I, Theodore F. Lansing, Treasurer of the Territory of Hawaii, do hereby certify, in accordance with the requirements of Section 12, Chapter XXII, of the Session Laws of 1894, the same as an "Act to provide for the incorporation of Banking Companies," that I have examined into the condition of THE FIRST BANK OF HILLO, a corporation formed under said laws, and located in the city of Hilo, of Hawaii, and I am satisfied that said corporation has fully complied with the provisions required by act, to be complied with before commencing the business of banking, as said corporation, "THE FIRST BANK OF HILLO, LTD., is hereby authorized to commence such business."

In witness whereof, I have hereunto placed my hand and the seal of the Treasurer's office this 28th day of March, A. D. 1901.

THEO. F. LANSING, 915 Treasurer Territory of Hawaii.

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